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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,106	08/15/2001	Kousaku Ito	NO1289US	8442

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EXAMINER	
PWU, JEFFREY C	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,106	ITO, KOUSAKU	
	Examiner	Art Unit	
	Jeffrey Pwu	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 10/2/2003.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-11 are rejected under 35 U.S.C. 102(b) as being unpatentable over Blasbalg (U.S. 4,032,719).

Blasbalg discloses claims:

1. A load dispersion-type duplex communication system comprising:

duplexed transmission devices (col.9, lines 5-20);

wherein, whether each of said transmission devices is in an overload state or in an allowable load state is judged and said transmission device judged as being in said allowable load state performs a duplex operation with another transmission device and said transmission device being judged as being in said overload state performs a single and work-dividing operation with said other transmission device (col.2, lines 47-57)

2. The load dispersion-type duplex communication system according to claim 1, wherein each of said transmission devices judges, for itself, whether each of said transmission devices is in said overload state or in said allowable load state and does automatically switching between said duplex operation and said single and work-dividing operation (fig.5).

3. The load dispersion-type duplex communication system according to claim 1, wherein, whether said each of said transmission devices is in said overload state or in said allowable state is judged based on a data storage capacity of said each of said transmission devices (fig.5)

4. The load dispersion-type duplex communication system according to claim 1, wherein a control is made in a manner to set an overload threshold value used to judge whether said each of said transmission devices is in said overload state or not and an allowable load threshold value used to judge whether said allowable load is below said overload threshold value or not (col.25, line 40-col.26, line 28; claims 7-9)

5. The load dispersion-type duplex communication system according to claim 1, wherein, whether said each of said transmission devices is in said overload state or in said allowable state is judged based on an amount of changes in data storage capacity within a predetermined period of time in each of said transmission devices (fig.5)

6. The load dispersion-type duplex communication system according to claim 1, wherein either of data processed by two said transmission devices performing said duplex operation is selected and processed by a low-order transmission device on a transmission path and wherein if judged to be in said overload state, data processed by two said transmission devices performing said single and work-dividing operation is multiplexed and processed by a low-order transmission device on said transmission path (col.20, line 32-col.21, line 30).

7. The load dispersion-type duplex communication system according to claim 6, wherein said each of said transmission devices is provided with a unit used to judge whether said each of said transmission devices is in said overload state or in said allowable load state and said each of said transmission devices, in accordance with a judgement by said each of said transmission devices, automatically does switching between said duplex operation and said single and work-dividing operation and then provides an instruction for said switching to another transmission device of a same order on a transmission path and a low-order transmission device on said transmission path (fig.5).

8. The load dispersion-type duplex communication system according to claim 6, wherein, whether said each of said transmission devices is in said overload state or in said allowable state is judged based on a data storage capacity of said each of said transmission devices (claims 7-9)

9. The load dispersion-type duplex communication system according to claim 6, wherein a control is made in a manner to set an overload threshold value used to judge whether said each of said transmission devices is in said overload state or not and an allowable load threshold value used to judge whether said allowable load is below said overload threshold value or not (fig.5; claims 7-9).

10. The load dispersion-type duplex communication system according to claim 6, wherein, whether said each of said transmission devices is in said overload state or in said allowable state is judged based on an amount of changes in data storage capacity within a predetermined period

of time in each of said transmission devices (col.20, line 32-col.21, line 30).

11. A load dispersion-type duplex communication system comprising: a received data selecting and multiplexing section; a memory (SIM) section used to store, on a temporary basis, data fed from said received data selecting and multiplexing section; a transmission path interfacing section; a load detecting section used to compare data amounts accumulated in said memory section with a threshold value and a controller used to control each of said received data selecting and multiplexing section, said memory section, said transmission path interface section, and said load detecting section in accordance with results of the comparison by said load detecting section and to do switching between a duplex operation and single and work-dividing operation (col.2, lines 47-57).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monday, November 29, 2004

JEFFREY PWU
PRIMARY EXAMINER